

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONTA CARSON,

Plaintiff,

v.

STEVEN MALONE, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:19-CV-00034-RWS

ORDER

Plaintiff Donta Carson, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

The Magistrate Judge ordered Plaintiff to pay an initial partial filing fee of \$11.00 on April 24, 2020. Docket No. 12. When he did not pay, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 13. The Report observed Plaintiff has not contacted the Court since December of 2019.

Plaintiff received a copy of this Report on November 5, 2020, but did not file objections. Docket No. 14. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

Nonetheless, the Court has reviewed the pleadings in this case and the Report of the

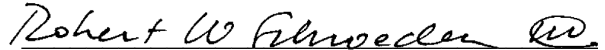
Magistrate Judge. Upon such review, the Court agrees with the Report of the Magistrate Judge. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

The Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 19th day of January, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE